



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

June 4, 1974

The Honorable Clayton T. Garrison
Executive Director
Texas Parks & Wildlife Department
John H. Reagan Building
Austin, Texas 78701

Opinion No. H- 318

Re: Authority of Parks and
Wildlife Department to
issue private bird shooting
area license.

Dear Mr. Garrison:

You ask whether the Parks and Wildlife Department is authorized to issue private bird shooting area licenses which will remain in effect from the date of issuance until the following August 31.

Article 874a, Vernon's Texas Penal Auxiliary Laws, was enacted by the 63rd Legislature in order to authorize the establishment of private bird shooting areas. Acts 1973, 63rd Leg., ch. 171, p. 386. A private bird shooting area is a tract of land of "not more than 300 contiguous acres on which privately owned or pen-reared game birds are banded and released to provide game bird shooting for all activities related to field dog competition and training and the sport of shooting, hunting or taking privately owned or pen-reared game birds." Section 2, Art. 874a.

Before a private bird shooting area can be established, the owner must obtain a license from the Parks and Wildlife Department. He is then entitled to hold in captivity game birds for use on the area for which he is licensed. The boundaries of a private bird shooting area must be clearly marked, and all game birds released in the area must be banded so as to indicate the permit number of the licensee. The hunting season on a private bird shooting area runs from January 1 through December 31 of each year, and only persons holding a valid Texas hunting license are permitted to hunt in such an area.

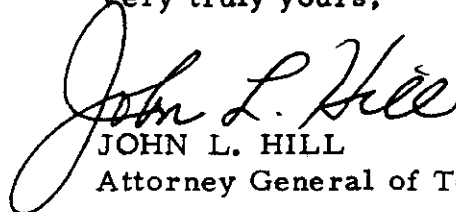
While Art. 874a provides that the hunting season on a private bird shooting area is to run throughout the year, it makes no specific provision as to the duration of a private bird shooting area license. This

matter is left to the discretion of the Parks and Wildlife Department. Under Art. 894, Vernon's Texas Penal Auxiliary Laws, all hunting licenses issued by the Department are to remain in effect from the date of issuance until the last day of the following August. A similar duration is established for shooting resort and shooting preserve licenses under Art. 908, Vernon's Texas Penal Auxiliary Laws. A private bird shooting area license is similar in nature to these licenses and in our opinion, the Parks and Wildlife Department is authorized, if it chooses to do so, to issue it on similar terms. Thus, the Parks and Wildlife Department is authorized to issue private bird shooting area licenses which will remain in effect from the date of issuance until the following August 31.

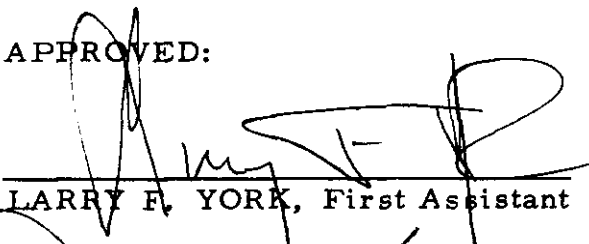
S U M M A R Y

The Parks and Wildlife Department is authorized, if it chooses to do so, to issue private bird shooting area licenses which will remain in effect from the date of issuance until the following August 31.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee